

REMARKS

In the Office Action mailed July 7, 2010 from the United States Patent and Trademark Office, claims 1, 14 and 15 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite, claims 1-8 and 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,386,602 to Lan (hereinafter “Lan”) and claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over 6,386,602 to Lan and 5,617,749 to Park (hereinafter “Park”).

Applicants respectfully provide the following and thank the Examiner for the detailed comments and suggestions set forth in the Office Action.

Rejections under 35 U.S.C. § 112, Second Paragraph:

In the Office Action, claims 1, 14, and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. (The Office Action recites claim 13 in the introductory paragraph, but it is believed that claim 14 was intended.)

The claims have been amended to recite language that is believed to address the concerns set forth in the rejections. Claims 1 has been amended to recited that the housing is engaged at one end region to the handle spigot and which can be engaged at an opposed end region to the mounting stock. Claim 14 has been amended to recite a handle spigot to which the handle is attached, which secures the handle to one end region of the housing through engagement of the handle spigot to the housing. Claim 15 has been amended to recite a housing having a bore at one end region through which a tail end of the handle spigot is passed, the handle spigot can be engaged to one end region of the housing and the housing can be secured at an opposed end region to the mounting stock.

Rejections under 35 U.S.C. § 102(b):

In the Office Action, claims 1-8 and 10-14 were rejected as being anticipated by Lan.

M.P.E.P. § 2131 sets forth the standard for a rejection of a claim as anticipated under 35 U.S.C. §

102. “To anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. §

2131 states further,

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the references cited in the Office Action fail to teach every element of the claim set as provided herein for at least the following reasons.

In response to the objection that the invention as claimed in claims 1-8 and 10-14 is not novel in light of US 6,386,602 (Lan), Applicants submit that Lan does not disclose the invention set forth in the claims as amended. Claim 1 recites: “a housing which is engaged at one end region to the handle spigot and which can be secured at an opposed end region to the mounting stock.” The Office Action recites the decorative cover (16) of Lan as corresponding to the recited “housing” as it houses and contains various other elements of the Lan invention.

Applicants agree that the decorative cover (16) of Lan fits over and contains various portions of the structures of Lan as shown in Figures 1 and 3. However, the mere fact of containing such elements does not show correspondence to the claimed housing, as the claim requires that the housing is “engaged at one end region to the handle spigot and which can be secured at an opposed end region to the mounting stock. The Office Action identifies the driving axial tube (2) of Lan as corresponding to the claimed handle spigot and the fixed disk (1) of Lan as corresponding to the claimed mounting stock. However, the decorative cover (16) of Lan is not

engaged at one end region to the driving axial tube (2) and secured at an opposed end region to the fixed disk (1). Therefore, the features of Lan do not read on claim 1.

Instead, according to the invention in Lan, the lever handle (3) is secured on a second end of the driving axial tube (2) (see col. 2, lines 55-56). The driving axial tube (2) is rotatably mounted in the axial hole (12) of the fixed disk (1) (see col. 2, lines 41-42). The driving axial tube is secured to the fixed disk (1) by a positioning member (25) (see figure 1). Furthermore, the driving axial tube does not engage with the decorative cover (16) (as can be seen from figures 1 and 3 and col. 2, lines 57-61) interpreted in the office action as being “a housing”.

Applicants thus submit that Lan does not disclose a housing as is disclosed in the present invention. Instead, Lan discloses ‘a decorative cover 16’ (see col. 2, line 38). The present invention teaches away from the need of a separate rose (decorative cover) (see page 2, line 23), or at the very least a rose of a very discrete size in addition to the housing (see page 7, lines 14-15). As Lan teaches a separate rose by itself, a person skilled in the art would not find it obvious to adapt the invention disclosed in the prior art in order to reach the present invention.

Claim 14 includes similar limitations to those discussed above with respect to claim 1, and is therefore also not anticipated by Lan. The other rejected claims include such limitations by dependency on claim 1 and are therefore also allowable.

Applicants therefore respectfully request removal of all rejections under 35 U.S.C. § 102(b) as the cited references fail to teach all limitations of the independent claims.

Rejections under 35 U.S.C. § 103(a):

In the Office Action, claim 9 was rejected as being unpatentable over Lan in view of Park. Because claim 1 is allowable over the art of record as discussed above, Applicants

respectfully submit that dependent claim 9 distinguishes over the art of record for at least similar reasons. Applicants therefore respectfully request removal of the rejection of claim 9.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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